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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,499	04/09/2004	James D. Webb	P0011232.00	1416
27581	7590	06/30/2008		
MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MINNEAPOLIS, MN 55432-9924			EXAMINER COBANOGLU, DILEK B	
			ART UNIT	PAPER NUMBER
			3626	
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			06/30/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/821,499	<b>Applicant(s)</b> WEBB ET AL.	
	<b>Examiner</b> DILEK B. COBANOGLU	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/2005, 11/02/2007</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the after final received on 6/21/2008.

### ***Response to Arguments***

2. Applicant's arguments filed 6/21/2008 about the finality of the previous action have been considered. The argument is persuasive and Examiner replaces the previous final action with this non-final office action.
3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (hereinafter Nelson) (U.S. Patent No. 6,480,745 B2), Stawikowski et al. (hereinafter Stawikowski) (U.S. Patent Publication No. 2002/0046239 A1) and further in view of Trusheim et al. (hereinafter Trusheim) (U.S. Patent No. 6,385,589 B1).

A. Claim 1 has been amended now to recite a system for exchanging medical data, the data exchange system comprising:

- i. means for acquiring medical data (Nelson; col. 5, lines 14-31);
- ii. means for handling medical data wherein medical data may be stored, analyzed, or displayed (Nelson; col. 7, lines 21-39);
- iii. a plurality of web services for performing a data exchange function between the means for acquiring medical data and the means for handling medical data, wherein one of the web services is a translation web service having an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format.

Nelson fails to expressly teach a plurality of web services for performing a data exchange function between the means for acquiring medical data and the means for handling medical data. However, this feature is well known in the art, as evidenced by Stawikowski.

In particular, Stawikowski discloses a plurality of web services for performing a data exchange function between the means for acquiring medical data and the means for handling medical data (Stawikowski; abstract, paragraphs: 0001-0002, 0004-0005).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Stawikowski with the motivation of to be able to

exchange data directly on an IP network (Stawikowski; paragraph: 0006).

Nelson fails to expressly teach a translation web service having an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format. However, this feature is well known in the art, as evidenced by Trusheim.

In particular, Trusheim discloses a translation web service having an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format (Trusheim; col. 8, lines 1-15, col. 11, line 25 to col. 12, line 11, fig. 3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Trusheim with the motivation of translation data files into a common format (Trusheim; col. 8, lines 1-15).

The same motivation is appropriate for dependant claims 4-18.

B. Claim 4 has been amended now to recite the system of claim 1 and Stawikowski discloses the plurality of web services further includes an analysis web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

C. Claim 5 recites the system of claim 4, Stawikowski discloses the analysis web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson

discloses an analysis method for performing a requested data analysis function on the specified data and returning the analysis results to an invoking application (Nelson; col. 7, lines 7-21, col. 11, lines 11-45).

D. Claim 6 has been amended now to recite the system of claim 1, Stawikowski discloses the plurality of web services further includes a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

E. Claim 7 recites the system of claim 6, Stawikowski discloses a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson discloses a method for writing data to a data storage system (Nelson; col. 10, line 59 to col. 11, line 10).

F. Claim 8 recites the system of claim 6, Stawikowski discloses a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson discloses a method for retrieving data from a data storage system (Nelson; col. 10, line 59 to col. 11, line 10).

G. Claim 9 recites the system of claims 7 or 8, wherein the data storage system is any of a relational database system; a file system; an XML file system, or a medical device (Nelson; col. 10, line 59 to col. 11, line 10).

H. Claim 10 has been amended now to recite the system of claim 1 wherein the plurality of web services further includes a multifunction web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

I. Claim 11 recites the system of claim 10 wherein the multifunction web service invokes any of a translation web service, an analysis web service, and a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

J. Claim 12 recites the system of claim 11 wherein the multifunction web service is a data log service for informing a first data storage system of a new data set entered into a second data storage system (Stawikowski; paragraph: 0031, 0036).

K. Claim 13 recites the system of claim 12 wherein a new data set comprises a record of a monitoring session performed by a medical device (Nelson; abstract, col. 10, line 59 to col. 11, line 10).

L. Claim 14 recites the system of claim 11 wherein the multifunction web service is a session retrieval service (Stawikowski; paragraph: 0031, 0036) and for retrieving monitoring session data recorded by a medical device and stored in a data storage system (Nelson; abstract, col. 10, line 59 to col. 11, line 10).

M. Claim 16 recites the system of claim 1 wherein the means for acquiring medical data is an external medical device having telemetric communication with an implantable medical device for receiving data from the implantable medical device and storing the data (Nelson; abstract, col. 10, line 59 to col. 11, line 10).

N. Claim 17 recites the system of claim 1 wherein the means for acquiring medical data is an external monitoring or therapy delivery device capable of acquiring and storing medical data (Nelson; abstract, col. 5, line 66 to col. 6, line 34).

O. Claim 18 recites the system of claim 1 wherein the means for acquiring medical data is an implantable medical device (Nelson; abstract, col. 5, line 66 to col. 6, line 34).

P. Claim 19 has been amended now to recite a system for exchanging medical data, the data exchange system comprising:

- i. a first means for handling medical data wherein medical data may be stored, analyzed or displayed and wherein first medical data handling means is provided with a communication connection (Nelson; abstract, col. 5, lines 14-31, col. 7, lines 21-39);
- ii. a second means for handling medical data wherein medical data may be stored, analyzed, or displayed and wherein second medical data handling means is provided with a communication connection (Nelson; abstract, col. 5, lines 14-31, col. 7, lines 21-39);
- iii. a plurality of web services for performing a data exchange function between the first and second data handling means via a communication connection, wherein one of the web services is a translation web service having an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format.

The obviousness of modifying the teaching of Nelson to include the one or more web services for performing a data exchange function



(as taught by Stawikowski and Trusheim) is as addressed above in the rejection of claim 1 and incorporated herein.

S. Claim 20 has been amended now to recite a system for exchanging data between a medical device and a remote data handling system, the data exchange system comprising:

- i. a medical device capable of storing medical data and transferring the data via a communication connection (Nelson; abstract, col. 5, lines 14-30, col. 5, lines 14-31, col. 7, lines 21-39);
- ii. means for electronically storing data in a remote data handling system and for receiving data from the medical device via the communication connection (Nelson; abstract, col. 5, lines 14-30, col. 5, lines 14-31, col. 7, lines 21-39);
- iii. a plurality of web services for performing a data exchange function, wherein one of the web services is a translation web service having an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format, wherein the web service may be invoked by an application running on the medical device or on the remote data handling system to allow data to be exchanged between the medical device and the remote data handling system.

The obviousness of modifying the teaching of Nelson to include the one or more web services for performing a data exchange function

(as taught by Stawikowski) and having a translation web service (as taught by Trusheim) is as addressed above in the rejection of claim 1 and incorporated herein.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (hereinafter Nelson) (U.S. Patent No. 6,480,745 B2), Stawikowski et al. (hereinafter Stawikowski) (U.S. Patent Publication No. 2002/0046239 A1), Trusheim et al. (hereinafter Trusheim) (U.S. Patent No. 6,385,589 B1) and further in view of Official Notice.

A. Claim 15 recites the system of claim 11 wherein the multifunction web service is an enrollment web service for registering a patient or medical device record newly enrolled in a first data storage system into a second data storage system.

Nelson does not explicitly disclose an enrollment web service for registering a patient or medical device.

However, the Examiner takes official notice that it was well known in the information network arts to registering a patient and/or medical device in a web service. The motivation would have been to obtain and provide information about the patient and/or the medical device securely and more efficiently.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach System and method for interacting with legacy healthcare database systems 20030200226, Method and system for automating generation of web services from existing service components 20040030740, Modeling and using computer resources over a heterogeneous distributed network using semantic ontologies 20040054690, Remote multi-purpose user interface for a healthcare system 20040172301, Creating web services programs from other web services programs 20040199896.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./  
Examiner, Art Unit 3626  
6/25/2008

/C Luke Gilligan/  
Supervisory Patent Examiner, Art Unit 3626